

Out of state Notice of Depositions

What they Need

1. Notice of Deposition- 1 Original for the Court (this is our case file & MUST contain their court case information i.e. parties, court, case#) & 1 for each party they will be serving.
2. UTAH Subpoenas- fax them the front & back of our 2 sided subpoenas. Tell them to make a 2 sided copy (several) in case they need them again. They will need 1 subpoena for each party served & 1 to come back to the Court & or Attorney with a return of service.\
3. \$25.00 filing fee made out to Third District Court
4. Fax them a list with our constables & sheriff's phone #'s. It will be easier & faster for them for us to put their paperwork in a box if we have that information from the beginning.
5. The fee for the Constable or Sheriff (unless they make other arrangements with the above).

Special Note: They CANNOT subpoena a person to their state to do an oral deposition-it MUST be done here.

Plaintiff(s)

SUBPOENA

vs

Case No. _____

Defendant(s)

TO: _____

YOU ARE COMMANDED:

- [] to appear in the Third District Court, Salt Lake Department at 450 South State, Salt Lake City, Utah on the date and time specified below to testify in the above case.
- [] to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.
- [] to produce or permit inspection and copying of the following documents or objects at the place, date and time specified below (list documents or objects):

- [] to permit inspection of the following premises at the date and time specified below.

PLACE

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other person who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30(b)(6), Utah Rules of Civil Procedure.

*ISSUING OFFICER'S SIGNATURE

DATE _____

(check box below to indicate title)

- [] Deputy Court Clerk
[] Attorney for Plaintiff
[] Attorney for Defendant

**The clerk shall issue a subpoena, signed but otherwise in blank, to a party requesting it, who shall complete it before service. An attorney admitted to practice in the court in which the action is pending may also issue and sign a subpoena as an officer of the court. Rule 45(a)(3) Utah Rules of Civil Procedure.*

NOTICE TO PERSONS SERVED WITH A SUBPOENA

Subpoena to Appear at Trial, at Hearing, or at Disposition

1. If this subpoena commands you to appear to give testimony at trial or at hearing, you must appear in person at the place designated in the subpoena.

2. If this subpoena commands you to appear to give testimony at deposition, you must appear in person at the place designated in the subpoena. If you are a resident of Utah, the subpoena may command you to appear only in the county where you reside, or where you are employed, or where you transact business in person, or where the court orders you to appear. If you are not a resident of Utah, the subpoena may command you to appear only in the county where you are served with the subpoena, or where the court orders.

3. If this subpoena commands you to appear to give testimony at trial, at hearing, or at deposition, but does not command you to produce or to permit inspection and copying of documents or tangible things, or inspection of premises, you have the right to object if the subpoena:

- (i) imposes an undue burden or expense upon you;
- (ii) does not allow you a reasonable time to comply, which may be less than 14 days, depending on the circumstances; or
- (iii) commands you to appear at deposition at a place in violation of paragraph 2, above.

4. To object to complying with the subpoena, you must file with the court issuing the subpoena a motion to quash or modify the subpoena. You must comply with the subpoena unless you have obtained a court order granting you relief from the subpoena.

Subpoena to Produce or Permit Inspection of Documents or Tangible Things or to Permit Inspection of Premises.

5. If this subpoena commands you to produce or to permit inspection and copying of documents or tangible things, or to permit inspection of premises, but does not command you to appear to give testimony at trial, at hearing, or at disposition:

- (i) you need not appear in person at the place of production or inspection;
- (ii) you must produce documents as you keep them in the ordinary course of business or organize and label them to correspond with the categories demanded in the subpoena; and
- (iii) you need not make any copies or advance any costs for production, inspection or copying. If you agree to make copies, the party who has served the subpoena upon you must pay the reasonable costs of production and copying.

6. You have the right to object of the subpoena:

- (i) imposes an undue burden or expense upon you;
- (ii) does not allow you at least 14 days to comply, unless the party serving the subpoena has obtained a court order requiring an earlier response;
- (iii) requires you to disclose a trade secret or other confidential research, development or commercial information;
- (iv) requires you to disclose privileged communication with your attorney or privileged trial preparation materials; or
- (v) requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from expert's study made not at the request of any party.

7. To object to a subpoena for one of the reasons stated in paragraph 6, you must provide notice in writing of your objection to the party or attorney serving the subpoena before the date specified in the subpoena for you to respond. If your objection is based on either paragraph 6(iii), 6(iv), or 6(v), your written objection must describe the nature of the documents, communications or things that you object to producing with sufficient specificity to enable the party or attorney serving the subpoena to contest your objection. You must also comply with the subpoena to the extent that it commands production or inspection of materials to which you do not object.

8. After you make timely written objection, the party who has served the subpoena upon you must obtain a court order to compel you to comply with the subpoena. The party must give you a copy of its motion for a court order and notice of any hearing before the court. You have the right to file a response to the motion with the court and a right to attend any hearing. After you make a timely written objection, you have no obligation to comply with the subpoena until the party serving the subpoena has served you with a court order that compels you to comply.

9. If this subpoena commands you to produce or to permit inspection and copying of documents or tangible things, or to permit inspection of premises, *and* to appear to give testimony at trial, at a hearing, or at a deposition, you may object to the production or inspection of documents or tangible things, or inspection of premises, by following the procedure identified in paragraph 7. Even though you object to production or inspection of documents or tangible things, or inspection of premises, you must appear in person at the trial, at the hearing, or at the deposition unless you obtain an order of the court by following the procedures identified in paragraph 4.

The following is a list of constables (and sheriff) in Salt Lake County:

These constables have drawers at the front office of our court. We can place your paperwork there for you once the Notice of Depositions is entered. These servers will bill you for their services.

WARNICK, Sylvan
3256 W Starfire Rd
South Jordan, UT 84095
801-567-1818

SINDT, John
47 E 7200 S Ste 221
Midvale, UT 84047
801-561-4278

REITZ, Bob
7304 S 300 W #203
Midvale, UT 84047
801-255-5468

BRINGHURST, Larry
889 W S Jordan Hwy Ste A
South Jordan, UT 84095
801-561-4270

ROSSITER, Terry
47 E 7200 S Ste 221
Midvale, UT 84047
801-561-4278

WEAVER, Jay
11446 S Camden Rd
Draper, UT 84020
801-571-7211

If you'd like the Sheriff's Office to serve your subpoenas, you'll need to call them and make payment arrangements then include an SASE with their address for us to mail your paperwork to them.

Salt Lake County Sheriff
Civil Department
3365 S 900 W
SLC, UT 84119
801-743-5779